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BS99-124



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

TIDWELL, ET AL.

Serial No.: 09/604,316

Filed: June 27, 2000

For: TROUBLE TRACKING SYSTEM
AND METHOD

Art Unit: 3623

Examiner: STIMPAK, JOHNNA

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GROUP 3600

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the present application for the reasons stated below.

In the Office Action mailed February 13, 2004, all the pending claims of the present Application were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,219,648 to Jones et al. ("Jones") in view of the article "Peregrine Systems Forms Alliance with Mitsubishi Electronics America; Integrated Enterprise Applications to be Developed," published October 27, 1999 ("Peregrine"), and further in view of U.S. Patent No. 6,516,055 to Bedeski et al. ("Bedeski"), and still further in view of U.S. Patent No. 6,445,774 to Kidder et al. Bedeski is critical to all of the art-based grounds of rejection.

Applicants submit that Bedeski is unavailable as prior art in view of 35 U.S.C. § 103(c), which provides:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title,

shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time of the invention, owned by the same person of subject to an obligation of assignment to the same person.

Bedeski only qualifies as prior art with respect to the present invention only under 35 U.S.C. § 102(e). Furthermore, Applicants note that the subject matter of Bedeski is assigned to BellSouth Intellectual Property Corporation (the same assignee of the instant application) and was assigned thereto at the time the present invention was made. Accordingly, Applicants submit that Bedeski falls within the provisions of 35 U.S.C. § 103(c), and must be removed as prior art against this application.

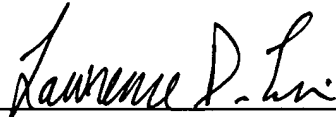
In view of the foregoing, Applicants submit that claims 1-7, 11-13, 16-19, 21-25, 29-33, 36, 38, 39, 42-50 10, 14, 15, 28, 37, 40, 41, and 53 are in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below

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1650 Tysons Boulevard
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Date: May 11, 2004

Respectfully submitted,

TIDWELL ET AL.

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